

# ARKANSAS SUPREME COURT

No. CR 01-1050

NOT DESIGNATED FOR PUBLICATION

JERRY LURAL EDMOND  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered April 20, 2006

*PRO SE* PETITION TO REINVEST  
JURISDICTION IN TRIAL COURT TO  
CONSIDER PETITION FOR WRIT OF ERROR  
*CORAM NOBIS* [CIRCUIT COURT OF  
HEMPSTEAD COUNTY, CR 2000-181-2]

PETITION DENIED

---

## PER CURIAM

A jury found petitioner Jerry Lural Edmond guilty of murder in the first degree and sentenced him to life imprisonment. This court affirmed the judgment. *Edmond v. State*, 351 Ark. 495, 95 S.W.3d 789 (2003). Petitioner timely filed a *pro se* petition pursuant to Rule 37.1 of the Arkansas Rules of Criminal Procedure seeking to vacate the judgment, but the petition was denied by the trial court on the ground that it was not timely filed. Petitioner appealed from the order, and we reversed and remanded the matter to the trial court to consider the petition on its merits. *Edmond v. State*, CR 03-871 (October 23, 2003) (*per curiam*). The trial court denied the Rule 37.1 petition on its merits and petitioner then appealed. We affirmed the order denying postconviction relief for failure to file a brief complying with our rules of procedure. *Edmond v. State*, CR 04-799 (June 30, 2005) (*per curiam*).

Petitioner now requests this court to reinvest jurisdiction in the trial court to consider a petition for writ of error *coram nobis*.<sup>1</sup> The petition for leave to proceed in the trial court is necessary because the circuit court can entertain a petition for writ of error *coram nobis* after a

---

<sup>1</sup>For clerical purposes, the instant petition to reinvest jurisdiction in the trial court to consider a petition for writ of error *coram nobis* was assigned the same docket number as the direct appeal of the judgment.

judgment has been affirmed on appeal only after we grant permission. *Dansby v. State*, 343 Ark. 635, 37 S.W.3d 599 (2001) (*per curiam*). Petitioner alleges that the petition is necessary to address errors that occurred concerning the admission of both physical evidence and testimony.

A writ of error *coram nobis* is an extraordinarily rare remedy, more known for its denial than its approval. *Larimore v. State*, 341 Ark. 397, 17 S.W.3d 87 (2000). The writ is allowed only under compelling circumstances to achieve justice and to address errors of the most fundamental nature. *Pitts v. State*, 336 Ark. 580, 986 S.W.2d 407 (1999) (*per curiam*). We have held that a writ of error *coram nobis* was available to address certain errors that are found in one of four categories: insanity at the time of trial, a coerced guilty plea, material evidence withheld by the prosecutor, or a third-party confession to the crime during the time between conviction and appeal. *Id.* at 583, 986 S.W.2d at 409. *Coram nobis* proceedings are attended by a strong presumption that the judgment of conviction is valid. *Echols v. State*, \_\_\_ Ark. \_\_\_, \_\_\_ S.W.3d \_\_\_ (January 20, 2005).

A writ of error *coram nobis* is appropriate only when an issue was not addressed or could not have been addressed at trial because it was somehow hidden or unknown and would have prevented the rendition of the judgment had it been known to the trial court. *Id.* at \_\_\_, \_\_\_ S.W.3d at \_\_\_; *Brown v. State*, 330 Ark. 627, 955 S.W.2d 901 (1997) (*per curiam*); *Penn v. State*, 282 Ark. 571, 574, 670 S.W.2d 426, 428 (1984) (citing *Troglin v. State*, 257 Ark. 644, 519 S.W.2d 740 (1975)). For the writ to issue following the affirmance of a conviction, the petitioner must show a fundamental error of fact extrinsic to the record. *Larimore v. State*, 327 Ark. 271, 938 S.W.2d 818 (1997). A claim is not cognizable in a petition for writ of error *coram nobis* if it may be properly raised in a timely petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1 or on direct appeal. *See McArty v. State*, 335 Ark. 445, 983 S.W.2d 418 (1998) (*per curiam*).

Petitioner does not specifically identify what errors concerning admission of evidence would constitute the grounds he would include in his petition for the writ, but whatever the alleged errors may be, the bases for his claims do not appear to fall within any of the recognized categories. In fact, petitioner argues that we should reinvest jurisdiction in the trial court because these issues were

never reviewed on appeal, in that the denial of his Rule 37.1 petition was affirmed without reaching the merits. It is clear that the claims petitioner would raise are not cognizable in a proceeding for error *coram nobis* as grounds for relief. Accordingly, we must decline to reinvest the trial court with jurisdiction to consider the petition for writ of error *coram nobis*.

Petition denied.

Gunter, J., not participating.